

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: CARL LEE OVERMILLER, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Carl Lee Overmiller, M.D. ("Dr. Overmiller") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-1, *et seq.*:

FINDINGS OF FACT

1. Dr. Overmiller's license to practice medicine and surgery is identified as License Number 17934 and his address of record with the Board is in Daniels, West Virginia.
2. On September 13, 2009, the Complaint Committee reviewed and considered a report from Dave Sotak, Chief Executive Officer of the New River Health Association, regarding Dr. Overmiller, which report alleged certain unprofessional and unethical conduct by Dr. Overmiller including forging prescriptions for his personal use on four (4) occasions in an apparent attempt to self-treat his Bipolar Disorder.
3. On September 13, 2009, the Complaint Committee initiated a Complaint against Dr. Overmiller alleging violations of the West Virginia Medical Practice Act due to: dishonorable, unethical and/or unprofessional conduct; prescribing a prescription drug other than in good faith, gross negligence in the use and control of

prescription forms; committing a serious act or a pattern of acts committed during the course of his medical practice which under the attendant circumstances, would be considered to be gross incompetence, gross ignorance or malpractice; and relating to the inability to practice medicine with reasonable skill and safety due to physical or mental impairment.

4. Dr. Overmiller has been evaluated and continues to be treated by a West Virginia licensed medical physician practicing in the specialty of psychiatry. This primary psychiatrist has reported that Dr. Overmiller is compliant with his treatment regimen, has good prognosis and that Dr. Overmiller is capable of working safely and effectively as a physician.

5. In January, 2010, Dr. Overmiller appeared before the Complaint Committee for a full discussion of his situation and his health and well being. The Board thereafter determined that Dr. Overmiller is able to practice medicine and surgery in the State of West Virginia safely and without harm to either himself or the public, provided appropriate conditions, limitations, and accommodations are placed upon his license.

6. As Dr. Overmiller has been diagnosed with Bipolar Disorder which manifestation led to Dr. Overmiller's unprofessional conduct, practicing medicine without certain appropriate limitations, conditions, and accommodations upon his license could adversely affect the health and welfare of a patient and/or the public.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to West Virginia Code §30-3-1 to protect the public interest.

2. Probable cause exists to substantiate charges of disqualification from the practice of medicine and surgery in relation to Dr. Overmiller pursuant to West Virginia Code §30-3-14(c)(13) and (21).

3. The Board has determined that it is appropriate and in the public interest to place certain conditions, limitations, and accommodations on Dr. Overmiller's license.

CONSENT

Carl Lee Overmiller, M.D., by affixing his signature hereon, agrees solely and exclusively for the purpose of the entry of this Order to the following:

1. Dr. Overmiller acknowledges that without his consent, here given, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, *et seq.*;

2. Dr. Overmiller further acknowledges that he has the following rights, among others, the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, the right to cross examine witnesses against him, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

3. Dr. Overmiller waives all such rights;

4. Dr. Overmiller consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia; and,

5. Dr. Overmiller understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Overmiller, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Overmiller is hereby **REPRIMANDED** for his prescribing of a prescription drug other than in good faith and for his gross negligence in the use and control of prescription forms.

2. Dr. Overmiller must fully comply with all of the following conditions, limitations, and accommodations for a period of three (3) years, beginning upon the date of the entry of this order.

3. The practice of medicine and surgery in the State of West Virginia of Dr. Overmiller shall occur, provided he complies with the treatment regimen as directed by his primary psychiatrist. Dr. Overmiller shall request that his primary psychiatrist forward a quarterly report to the Board indicating Dr. Overmiller's compliance with the psychiatrist's care plan and treatment regimen.

4. The practice of medicine and surgery in the State of West Virginia of Dr. Overmiller shall occur, provided he actively participates in the West Virginia Medical Professionals Health Program, Inc. (WVMPHP) and complies with all of the

provisions of his Continuing Recovery Contract Agreement, and any other agreement, with the WVMPHP and with any amendments or adjustments thereto.

5. Dr. Overmiller shall ensure that a letter from the WVMPHP is sent directly to the Board attesting to his compliance with the Continuing Recovery Contract Agreement every ninety (90) days, beginning ninety (90) days from the date of the entry of this Consent Order.

6. Dr. Overmiller shall appear before the Complaint Committee annually, beginning in January, 2011, for a full discussion of his health and well being, and prior to his appearance a summary letter of his progress during the year shall be sent to the Board from his primary psychiatrist.

7. If Dr. Overmiller changes his employment status, he must notify the Board in writing within thirty (30) days.

8. If Dr. Overmiller desires to change his primary psychiatrist, he must obtain approval from the Board.

9. Within ten (10) days of the entry of this Consent Order, Dr. Overmiller shall present a copy of this Consent Order to any employer or health care or medical facility where Dr. Overmiller is practicing medicine and during the three (3) year period that Dr. Overmiller is subject to this Consent Order, Dr. Overmiller shall present a copy of this Consent Order to any employer or health care or medical facility where Dr. Overmiller practices medicine and Dr. Overmiller shall also provide a copy of this Consent Order to his primary psychiatrist forthwith.

10. At the option of either Dr. Overmiller or the Board, this Consent Order or a modified version thereof may be again entered into by the parties at the

request of either party and at the end of the three (3) year period. During the three (3) year period if either party wishes to change the terms of the Consent Order, the Complaint Committee shall require Dr. Overmiller to appear for a discussion of the proposed changes at its next regularly scheduled meeting.


11. The failure of Dr. Overmiller to comply with any of the terms of this Consent Order may constitute grounds for further discipline of his license to practice medicine and surgery in the State of West Virginia.

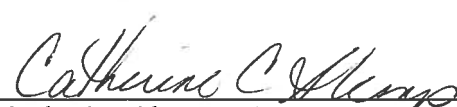
12. Dr. Overmiller expressly agrees that the Complaint Committee, at its sole discretion, may recommend to the Board to place Dr. Overmiller's license into an inactive status should it find, in its sole discretion, that Dr. Overmiller has violated the terms of this Consent Order and/or that the public interest, safety and welfare requires that Dr. Overmiller's license be placed into an inactive status. Dr. Overmiller also expressly agrees that the Board may, upon recommendation from the Complaint Committee, place Dr. Overmiller's license into an inactive status without any further hearing or process.

13. Dr. Overmiller has had an opportunity to consult with counsel and agrees to the terms of this Consent Order freely, without coercion, duress or any promise or representation not contained in the "four corners" of this Consent Order.

Entered this 29th day of March, 2010.

West Virginia Board of Medicine


John A. Wade, Jr., M.D.
President


Catherine Slemp, M.D., M.P.H.
Secretary

Carl Lee Overmiller
Carl Lee Overmiller, M.D.

Date: 18 Mar 10

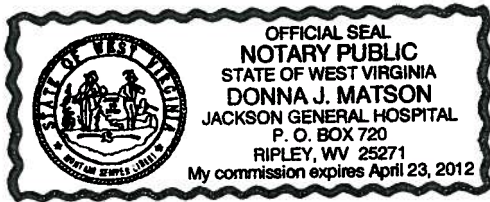
STATE OF WV

COUNTY OF JACKSON, to wit:

I, DONNA J. MATSON, a Notary Public for said county and state do hereby certify that Carl Lee Overmiller, M.D., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 18th day of MARCH, 2010.

My commission expires APRIL 23, 2012.



Donna J. Matson
Notary Public